

**RECEIVED
CENTRAL FAX CENTER****JAN 14 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant (s): Balko *et al.*

Serial No.: 10/816,611

Group Art Unit: 1616

Filed: April 2, 2004

Examiner: Qazi, Sabiha Naim

For: 6-ALKYL OR ALKENYL-4-AMINOPICOLINATES AND THEIR
USE AS HERBICIDESI HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
TRANSMITTED VIA FACSIMILE TO 703-872-9306 AND ADDRESSED
TO COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22318 ON:

JANUARY 14, 2005

DATE OF DEPOSIT

MELANIE S. BRADLEY

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

Melanie S. Bradley

SIGNATURE OF PERSON SIGNING CERTIFICATE

January 14, 2005

DATE OF SIGNATURE

Commissioner for Patents
Alexandria, Virginia 22313

Sir:

AFFIDAVIT UNDER 37 C.F.R. § 1.132STATE OF INDIANA)
) SS:
COUNTY OF MARION)I, Paul R. Schmitzer, residing at 7960 North Whittier Place, Indianapolis, County of
Marion, State of Indiana, United States of America, being duly sworn, depose and say,THAT I received the degree of Bachelors of Science in Biochemistry from Northern
Michigan University in 1989;

THAT I am the author or co-author of 6 publications in referred journals;

THAT I have been employed by Dow AgroSciences LLC or its predecessor companies
since 1991;

[62,381A]

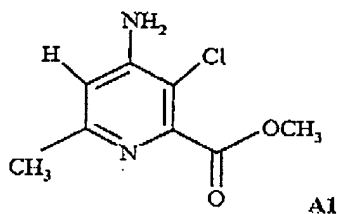
-1-

THAT my present position is that of Senior Research Biologist in Weed Management for Discovery Research;

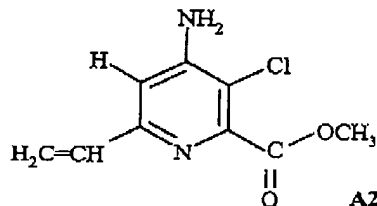
THAT in my current position I am involved in evaluating synthetic materials and compositions for herbicidal activity;

THAT I carried out, or had carried out under my direction, under carefully controlled conditions, a series of pre-emergent herbicidal evaluations of:

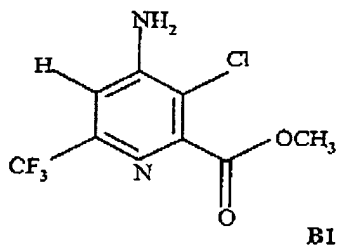
Methyl 4-amino-3-chloro-6-methylpyridine-2-carboxylate



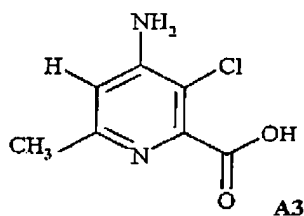
Methyl 4-amino-3-chloro-6-vinylpyridine-2-carboxylate



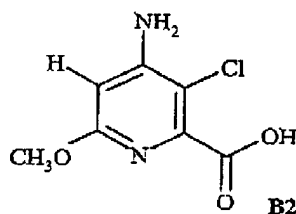
Methyl 4-amino-3-chloro-6-(trifluoromethyl)pyridine-2-carboxylate



4-amino-3-chloro-6-methylpyridine-2-carboxylic acid



4-amino-3-chloro-6-methoxypyridine-2-carboxylic acid



THAT the procedure and the results obtained were as follows:

For general pre-emergent comparisons, representative compositions of Compounds A1, A2, B1, A3 and B2 were evaluated for pre-emergence control of species of plants listed in Table 1. In these evaluations, seed of plant species listed in Table 1 was planted in pots with a surface area of 530 cm².

Technical material (~7.5 mg for the 560 g/ha rate) was dissolved in 8 ml of solvent (acetone/DMSO; 97:3 v/v) to prepare a stock solution. The spray solutions were made by injecting 4 ml aliquots of the stock solution into 11 ml of spray solution comprised of water and TWEEN 20 (99.9:0.1 v/v).

Solutions (approximately 2.5 ml of spray volume) were sprayed onto the soil of the pots seeded with the test species using a Cornwall 5.0 ml glass syringe fitted with a TeeJet TN-3 hollow cone nozzle. Other pots were sprayed with similar compositions containing no active ingredient to serve as controls.

Thereafter, the pots were maintained under conditions conducive to plant growth. Three weeks after treatment, the pots were examined for plant growth and evaluated on a scale of 0 to 100 where 0 represents no effect and 100 represents complete kill. The controls had 0 ratings for all species.

The results of the examination of the treated pots are set forth below in Table 1.

Table 1

	Rate g/Ha	BRSNW ---% growth reduction---	CHEAL	GLXMA
A1	573	0	100	100
A2	560	40	100	100
A3	560	10	100	100
B1	560	90	100	100
B2	560	80	100	95

BRSNW	<i>Brassica napus</i>	Oilseed rape	partially expanded 1st true leaf	8 days after emergence
CHEAL	<i>Chenopodium album</i>	Lambsquarter	2 expanded true leaves	14 days after emergence
GLXMA	<i>Glycine max</i>	Soybean	1st trifoliolate expanding	9 days after emergence

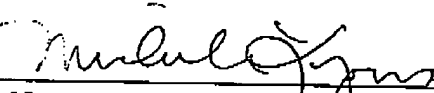
Further deponent sayeth not.


Paul R. Schmitzer

12/20/04

Date

Sworn to and subscribed to me this 20th day of December, 2004


Notary Public State of Indiana
Michele Lyons
Hamilton County
My Commission Expires July 5, 2007